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Attorneys for Defendant  
International Business Machines Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RSI CORP., dba RESPONSIVE SYSTEMS  
COMPANY, a New Jersey corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION; and DOES DEFENDANTS  
1-20,

Defendants.

CASE NO. 5:08-cv-3414 RMW (PVT)

**STIPULATION AND [] ORDER  
CONTINUING CERTAIN PRE-TRIAL  
DEADLINES**

Filing Date: February 15, 2008  
Trial Date: March 18, 2013

1 WHEREAS, on July 27, 2012, the Court reset the trial date in this matter to March 18,  
 2 2013, the date for a pretrial conference to March 7, 2013, and the fact discovery cutoff to  
 3 November 21, 2012;

4 WHEREAS, International Business Machines Corporation ("IBM") has requested that RSI  
 5 Corp. ("RSI") consent to additional time to complete discovery;<sup>1</sup> and

6 WHEREAS, the Parties have agreed on a schedule to extend certain pre-trial deadlines to  
 7 provide more time to conduct the discovery that remains, which schedule is set forth below as  
 8 stipulated;

9 It is therefore stipulated between the Parties that:

- 10 1. The fact discovery cutoff be continued from November 21, 2012 to January 18,  
 11 2013;
- 12 2. The date for exchange of expert disclosures be continued from December 14, 2012  
 13 to January 31, 2013;
- 14 3. The date for exchange of rebuttal expert disclosures be continued from January 9,  
 15 2013 to February 21, 2013;
- 16 4. The date for a final hearing on any dispositive motions be continued from February  
 17 1, 2013 to March 1, 2013;
- 18 5. The deadline to hold a settlement conference be continued from February 15, 2013  
 19 to February 28, 2013; and
- 20 6. The pretrial conference and trial dates shall remain as set.

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 25 <sup>1</sup> IBM has also raised with RSI the extreme burden of complying with the Court's Order on  
 26 Discovery Order No. 1, and the impossibility of completing the ordered discovery before the  
 27 current trial date. IBM anticipates that issues pertaining to Discovery Order No. 1 will need to be  
 28 addressed separately with the Court, and that a further continuance will be necessary. RSI does  
 not agree.

1 DATED: November 19, 2012

SEVERSON & WERSON

3 By s/Forrest Booth

4 Forrest Booth

Attorneys for Plaintiff RSI Corp.

6 DATED: November 19, 2012

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

8 By s/Shon Morgan

9 Shon Morgan

Attorneys for Plaintiff RSI Corp.

11 **IT IS SO ORDERED.**

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15 Date: 12/14/12

Hon. Ronald M. Whyte